

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.320 of 2024

Arising Out of PS. Case No.-159 Year-2023 Thana- NAUBATPUR District- Patna

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Ankit Kumar @ Rahish Yadav @ Rahish Kumar Son of Sri Rahish Kumar @
Rahish Yadav R/o vill - Reganiyabagh, P.O. - Dhobiya Kalapur, P.S. -
Naubatpur, Distt. - Patna, Bihar

... .. Appellant/s

Versus

1. The State of Bihar
2. Lal Bihari Paswan Son of Late kailash Paswan R/o Ram Charan Chhatani,
P.S. - Naubatpur, Distt. - Patna, Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Kant Kumar, Advocate
For the Respondent/s : Mr. Usha Kumari 1, Special P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 26-04-2024 I.A.No.01 of 2024 has been filed to condone the

delay.

2. The delay is condoned.

3. Heard learned counsel for the appellant and
learned Special P.P. for the State.

4. The appellant is in custody in a case registered for
the offence punishable under Sections 302/34 of the IPC,
Section 27 of the Arms Act and Sections 3(2) of the SC/ST Act.

5. As per allegation in the FIR, the appellant along
with other co-accused persons is that they abused the
informant's son and appellant opened fire by pistol upon the son
of the informant due to which he died during treatment.

6. Learned counsel for the appellant submits that
appellant has falsely been implicated in this case. He next
submits that after completion of investigation, the police



submitted chargesheet and appellant is in custody since 13.03.2023.

7. Learned Special P.P. for the State opposes the prayer for bail of the appellant.

8. On perusal of the first information report and impugned order dated 19.08.2023, it appears that specific allegation against the appellant is that he has killed the son of the informant and from perusal of the case diary para nos.02, 03, 04, 50, 55, 67, 70, 72, 91, 113, 134 and 137, it appears that there is sufficient material against the petitioner about the involvement of the appellant in the occurrence. From perusal of the postmortem report, it appears that the cause of death is due to traumatic asphyxia and shock and haemorrhage which is caused by firearm, so considering the specific allegation against the petitioner for committing the murder of the deceased, I am not inclined to grant bail to the appellant.

9. Prayer for bail of the appellant is hereby rejected.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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